

“(D) any determinations regarding the award of, and the amount of, employer-provided grants or rights that are based on performance are—

“(i) made based upon meeting previously established performance criteria (which may include hours of work, efficiency, or productivity) of any business unit consisting of at least 10 employees or of a facility, except that, any determinations may be based on length of service or minimum schedule of hours or days of work; or

“(ii) made based upon the past performance (which may include any criteria) of one or more employees in a given period so long as the determination is in the sole discretion of the employer and not pursuant to any prior contract.”.

(b) **EXTRA COMPENSATION.**—Section 7(h) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(h)) is amended—

(1) by striking “Extra” and inserting the following:

“(2) Extra”; and

(2) by inserting after the subsection designation the following:

“(1) Except as provided in paragraph (2), sums excluded from the regular rate pursuant to subsection (e) shall not be creditable toward wages required under section 6 or overtime compensation required under this section.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is 90 days after the date of enactment of this Act.

(d) **LIABILITY OF EMPLOYERS.**—No employer shall be liable under the Fair Labor Standards Act of 1938 for any failure to include in an employee's regular rate (as defined for purposes of such Act) any income or value derived from employer-provided grants or rights obtained pursuant to any stock option, stock appreciation right, or employee stock purchase program if—

(1) the grants or rights were obtained before the effective date described in subsection (c);

(2) the grants or rights were obtained within the 12-month period beginning on the effective date described in subsection (c), so long as such program was in existence on the date of enactment of this Act and will require shareholder approval to modify such program to comply with section 7(e)(8) of the Fair Labor Standards Act of 1938 (as added by the amendments made by subsection (a)); or

(3) such program is provided under a collective bargaining agreement that is in effect on the effective date described in subsection (c).

(e) **REGULATIONS.**—The Secretary of Labor may promulgate such regulations as may be necessary to carry out the amendments made by this Act.

The PRESIDING OFFICER. The Senator from Iowa.

#### IOWA STATE UNIVERSITY ATHLETICS

Mr. GRASSLEY. Mr. President, we often hear about some of the things that are wrong with intercollegiate athletics and how they sometimes detract from the top priority of our colleges and universities, which is educating students.

Let me point to an example of how excellence in undergraduate education and excellence in intercollegiate athletics can go hand-in-hand, and it's from my home state of Iowa.

Iowa State University is experiencing one of its most successful years ever in intercollegiate athletics.

This year, Iowa State made history by being the first university in the Big 12 Conference or its predecessor conferences—the Big 8 and the Southwest Conferences—to win four basketball trophies in one season—both men's and women's regular season and conference tournament championships.

Both teams earned ISU record-high seedings in the NCAA Tournament, the men took a second seed and the women took a third and both did well in the tournament. The men advanced to the “Elite Eight” and the women to the “Sweet Sixteen” after an “Elite Eight” appearance last year.

Marcus Fizer became the schools' first-ever consensus first-team All-American, and Stacy Frese and Angie Welle of the women's team were also All-America selections. Stacy Frese drew this honor for the second year in a row.

The Cyclone wrestling team—led by two-time NCAA champion and tournament MVP Cael Sanderson—finished second in the nation.

The women's gymnastics team won its first-ever Big 12 Conference Championship.

These are just a few of Iowa State's 450 student-athletes, young people who are getting an education while exhibiting their special athletic skills.

And just how are they using this opportunity?

Here are some examples from last year because the final stats from this year aren't in, but I'm told they will be similar—or even better.

Of the 450 student athletes 168, or 40 percent, made the Athletic Department's Academic Honor Roll for maintaining a “B” or better GPA and nearly 100 earned academic All-Big 12 recognition.

This year, basketball player Paul Shirley, who majors in mechanical engineering, and Stacy Frese, a finance major, are again Academic All-Americans.

Iowa State student-athletes also lead the Big 12 in the most important statistic—their graduation rate.

They are No. 1 in the Big 12 regarding their four-year graduation rates and No. 1 regarding their six-year graduation rates two of the past three reporting periods.

Iowa State student athletes are also No. 1 in terms of overall graduation rate for student-athletes who stay in school for their entire eligibility with 9 of out 10 student athletes getting their degree.

We are all very proud of the Cyclones this year for what they have done in competition, and in the classroom. I hope I have the opportunity to come to the floor and offer the same statistics and facts next year. Go Cyclones!

The PRESIDING OFFICER. The Senator from Kansas.

#### THE MARRIAGE PENALTY

Mr. BROWNBACK. Mr. President, I rise today to speak on the issue of the marriage penalty and progress that has been made today on getting this important tax relief out across the country.

First, I applaud Chairman ROTH for his work on this important issue. Just today, the Senate Finance Committee considered an important bill to provide marriage penalty relief. This bill would provide relief to millions of American families—around 25 million—suffering under the burden of a marriage penalty.

The proposal considered by the Senate Finance Committee passed today. We are now another step closer to getting this to the floor, which I believe will take place sometime during the week of April 11, to be able to consider providing this important tax relief to the American public. I am delighted that that bill cleared through the Senate Finance Committee today.

The Senate Finance Committee used the House-passed version as a base, upon which it built an even broader and more inclusive bill. Our bill restores fairness and equity to a Tax Code that has come to penalize the institution of marriage in over 66 different ways. That is pretty imaginative, to find that many ways, but it is in there.

First, our bill eliminates the marriage penalty in the standard deduction. I want to give the numbers. The standard deduction this year for a single taxpayer is \$4,400. However, for a married couple filing jointly, the standard deduction is only \$7,350—not even twice the amount for single filers.

Our bill does a simple, clear, and just thing. Our bill doubles the standard deduction by making it \$8,800. This change in the tax law would take place beginning in 2001, by immediately doubling the standard deduction for joint filers. Our bill is fair. That is the fair thing to do. It is the right thing to do.

Second, our bill widens the 15-percent tax bracket. Under current law, the 15-percent tax bracket for a single taxpayer ends at an income threshold of \$26,250. I know these are a lot of numbers, but it is important to show the specifics of the Tax Code and where it penalizes marriage and how we are fixing it.

For a married couple, their bracket is less than double this threshold of \$26,250. In fact, the threshold is \$43,850 for a married couple filing jointly—another penalty.

If our bill were fully phased in this year, it would mean that the 15-percent bracket would extend upward to an income amount of \$52,500. So for a married couple filing jointly, instead of having a \$43,850 threshold level, it goes up to \$52,500. It doubles what it is for a single filer. This is real marriage penalty relief and elimination. It is relief because even income earners above the current upper income threshold for the 15-percent bracket—these are the upper income levels of the 15-percent bracket—will be able to fall down through